IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 27099 of 2007(A)

PETITIONER:

SHIJU M.THANKACHAN
OVERSEER, 110 K.V. SUB STATION
KANHANGAD (FORMERLY WORKING AS LINEMAN,
ELECTRICAL SECTION, RAJAPURAM)
RESIDING AT MADAYATHARAYIL HOUSE
PANATHADY POST, KASARGOD-671 532

BY ADV. SRI.K.RAMAKUMAR
SRI.T.RAMPRASAD UNNI

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD
VYDHUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY

2. THE CHIEF ENGINEER
HUMAN RESOURCE MANAGEMENT,
KERALA STATE ELECTRICITY BOARD,
PATTOM, THIRUVANANTHAPURAM

BY ADV. SRI.K.S.ANIL, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/10/2007, THE COURT ON 15/10/2007 DELIVERED THE FOLLOWING:

V.GIRI, J.

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W.P.(C) No.27099 of 2007

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Dated this the 15th day of October, 2007.

JUDGMENT

The petitioner working as a Lineman in the Electrical Section was placed under suspension following a complaint of demand and acceptance of illegal gratification. Criminal case was registered against him by the Vigilance and Anti Corruption Bureau, Kozhikode. He was convicted and sentenced for imprisonment for a period of one year by the Sub Judge, Kozhikode. He has preferred Criminal Appeal No.60/2007 before this court. The appeal is pending and the execution of the sentence has been suspended.

2. In the meanwhile, Ext.P2 notice of show cause was issued by the Board requiring the petitioner to show cause why his service in the Board should not be terminated with effect from 17.10.2007. Ext.P3 explanation was submitted by the petitioner. The second respondent terminated the petitioner's services vide Ext.P4 order.

3. The termination of the services of the petitioner seems to be purely consequential to the conviction of the petitioner in the criminal case and imposition of substantive sentence. Removal from service in such

circumstances is a statutory consequence. So also, reinstatement in service if conviction is set aside is also a statutory consequence.

4. In the circumstances, I do not find any ground to interfere with Exts.P2 to P4 as sought for by the petitioner. Of course if conviction is set aside, naturally the petitioner will be entitled to reinstatement in service as contemplated by the statute, as a consequence thereof. W.P. is dismissed subject to this observation.

V.GIRI
Judge

pms